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PTO/SB/05 (11-00)

Approved for use through 10/31/2002. OMB 0651-0032

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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# UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 C.F.R. 1.53(b))

Attorney Docket No. 16517.253

First Inventor Gregory J. HINKLE

Title Novel Plant Transcribed Regions and Uses Thereof

Express Mail Label No.

## APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

1. ☐ Fee Transmittal Form (e.g., PTO/SB/17)  
(Submit an original and a duplicate for fee processing)
2. ☐ Applicant claims small entity status.  
See 37 CFR 1.27.
3. ☒ Specification [Total Pages 72]  
(preferred arrangement set forth below)
  - Descriptive title of the Invention
  - Cross References to Related Applications
  - Statement Regarding Fed sponsored R & D
  - Reference to sequence listing, a table, or a computer program listing appendix
  - Background of the Invention
  - Brief Summary of the Invention
  - Brief Description of the Drawings (if filed)
  - Detailed Description
  - Claim(s)
  - Abstract of the Disclosure
4. ☐ Drawing(s) (35 U.S.C. 113) [Total Sheets ]
5. Oath or Declaration [Total Pages ]
  - a. ☐ Newly executed (original or copy)
  - b. ☐ Copy from a prior application (37 CFR 1.63 (d))  
(for a continuation/divisional with Box 18 completed)
  - i. ☐ **DELETION OF INVENTOR(S)**  
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
6. ☐ Application Data Sheet. See 37 CFR 1.76

## ADDRESS TO:

Assistant Commissioner for Patents  
Box Patent Application  
Washington, DC 20231

7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
  - a. ☒ Computer Readable Form (CRF)
  - b. Specification Sequence Listing on:
    - i. ☐ CD-ROM or CD-R (2 copies); or
    - ii. ☒ paper
  - c. ☒ Statements verifying identity of above copies

## ACCOMPANYING APPLICATIONS PARTS

9. ☐ Assignment Papers (cover sheet & document(s))
10. ☐ 37 C.F.R. §3.73(b) Statement ☐ Power of Attorney  
(when there is an assignee)
11. ☐ English Translation Document (if applicable)
12. ☐ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
13. ☐ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503)  
(Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s)  
(if foreign priority is claimed)
16. ☒ Request and Certification under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
17. ☐ Other: . . . . .

18. If a **CONTINUING APPLICATION**, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No: \_\_\_\_ / \_\_\_\_  
Prior application information: Examiner: \_\_\_\_ Group / Art Unit: \_\_\_\_

For **CONTINUATION** or **DIVISIONAL APPS** only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

## 17. CORRESPONDENCE ADDRESS

☒ Customer Number or Bar Code Label

(Insert Customer Number or Bar Code Label here)

or ☐ Correspondence address below

Name	David R. Marsh				
	Arnold & Porter				
Address	555 Twelfth Street, N.W.				
	Docketing Department				
City	Washington	State	DC	Zip Code	20004-1206
Country	US	Telephone	(202) 942-5000	Fax	(202) 942-5999

Name (Print/Type)	David R. Marsh/June E. Cohan	Registration No. (Attorney/Agent)	41,408/43,741
Signature		Date	August 24, 2001

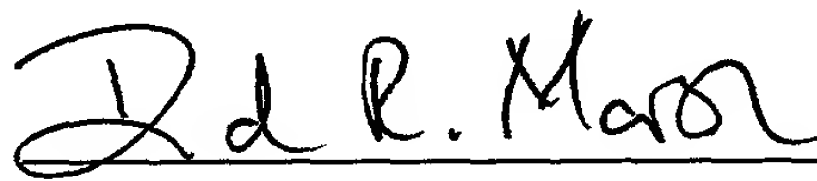
Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

<b>REQUEST AND CERTIFICATION UNDER 35 U.S.C. 122(b)(2)(B)(i)</b>	First Named Inventor		Gregory J. HINKLE
	Title	Novel Plant Transcribed Regions and Uses Thereof	
	Atty Docket Number		16517.253/38-21(51952)B

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b).

August 24, 2001

Date



Signature

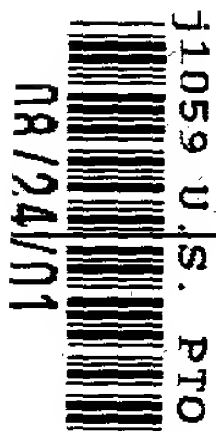
David R. Marsh (Reg. No.41,408)

Typed or printed name

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**



# ARNOLD & PORTER

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202.942.5999 Fax  
555 Twelfth Street, NW  
Washington, DC 20004-1206

August 24, 2001

## ***Box Patent Application***

Commissioner for Patents  
Washington, D.C. 20231

Re: New U.S. Non-Provisional Utility Application  
Filed: August 24, 2001  
For: **Novel Plant Transcribed Regions and Uses  
Thereof**  
Inventors: Gregory J. HINKLE, *et al.*  
Atty. Docket: 16517.253

Sir:

The following documents are forwarded herewith for appropriate action by the U.S. Patent and Trademark Office:

1. Utility Patent Application Transmittal (PTO/SB/05);
2. U.S. Patent Application entitled:

### **Novel Plant Transcribed Regions and Uses Thereof**

and naming as inventors:

**Gregory J. HINKLE, Jingdong LIU, and Linda T. PARKER**

the application consisting of:

- a. A specification containing:
  - (i) 69 pages of a description prior to the claims;
  - (ii) 2 pages of claims (13 claims);
  - (iii) a one (1) page abstract; and
  - (iv) 125 pages of a sequence listing; and
3. A diskette containing a computer-readable copy of the sequence listing;

# ARNOLD & PORTER

Commissioner for Patents

August 24, 2001

Page 2

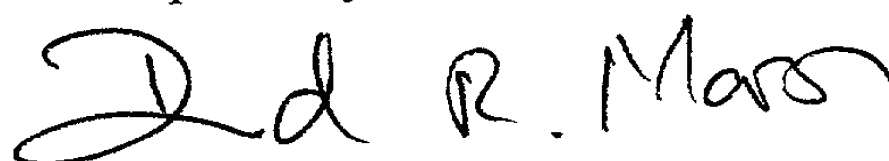
4. Statement Regarding Sequence Submission;
5. Request and Certification under 35 U.S.C. 122(b)(2)(B)(i);
6. Two (2) return postcards.

This application claims priority under 35 U.S.C. §119(e) of U.S. Provisional Application Serial No. 60/228,466 filed on August 29, 2000. This application is being filed without an executed Declaration and without payment of official fees.

In accordance with 37 C.F.R. § 1.821(f), the paper copy of the sequence listing and the computer-readable copy of the sequence listing submitted herewith in the above-identified application are the same.

It is respectfully requested that, of the two attached postcards, one be stamped with the filing date of these documents and returned to our courier, and the other, prepaid postcard, be stamped with the filing date and unofficial application number and returned as soon as possible.

Respectfully submitted,



David R. Marsh (Reg. No. 41,408)

June E. Cohan (Reg. No. 43,741)

Enclosures

10/24/01 10:00 AM

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Gregory J. HINKLE, *et al.*

Appln. No.: To Be Assigned

Filed: August 24, 2001

For: Novel Plant Transcribed Regions and Uses  
Thereof

Art Unit: To Be Assigned

Examiner: To Be Assigned

Atty. Docket: 16517.253

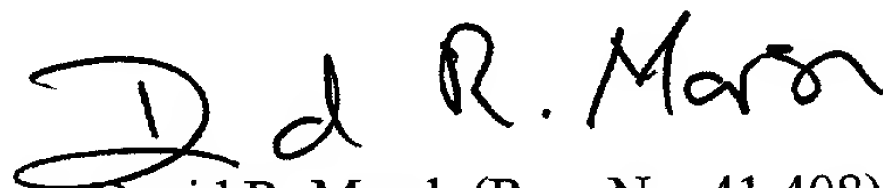
Statement Regarding Sequence Submission

Commissioner for Patents  
Washington, DC 20231

Sir:

In accordance with 37 C.F.R. § 1.821(f), the paper copy of the Sequence Listing and the computer-readable copy of the Sequence Listing submitted herewith in the above-mentioned application are the same.

Respectfully submitted,



David R. Marsh (Reg. No. 41,408)  
June E. Cohan (Reg. No. 43,741)

Date: August 24, 2001

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